

**CONSERVATION  
COMMISSION**  
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Rehoboth, MA 02769  
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Robert Materne, Chairman  
David Evans, Vice Chair  
Thomas Nicholson  
Krisna Prachanronarong  
Stephen Choquette  
Matthew Habershaw  
Scott Pennoyer  
Matt Kershaw, Assoc. Mem.

**REHOBOTH CONSERVATION COMMISSION**  
**Meeting Minutes – July 25, 2017**

RECEIVED  
17 AUG 16 AM 8:09  
OFFICE OF THE TOWN CLERK  
REHOBOTH, MA

**Present:** Robert Materne, Thomas Nicholson, Krisna Prachanronarong, Stephen Choquette  
Leeann Bradley, Conservation Agent

**Absent:** David Evans Matt Habershaw Scott Pennoyer Matt Kershaw-Associate Member

\*Mr. Materne advised the commission and audience members that the next Conservation Commission meeting will be on August 1, 2017.

**CALL TO ORDER**

Mr. Materne called the meeting to order at 7:01 PM. Pledge of Allegiance recited at 7:02pm.

**CONCERNS AND COMPLAINTS**

1. Lot 10 Plain St. – Vieira – EO lifted – Restoration area - Mr. Materne stated the commission went to the property. The restoration area is down to grade and growing well but there is no wetland vegetation there at all. The area is growing great but it is not the right kind of vegetation. Mr. Materne wants to find out why he has no wetland vegetation. He asked Ms. Bradley to send Mr. Vieira a letter stating they will meet in the field and discuss what needs to be done.

**CURRENT ISSUES**

1. Manitook Estates – Administrative Consent Order - Mr. Materne and Ms. Bradley went to the site with DEP on July 18, 2017. Mr. Materne stated they are doing a great job. Gary Makuch is recommending lifting the Enforcement Order. They have also asked the biologist to give the commission weekly updates as they have done in the past.

2. One Linden Lane – Martel – No new information

3. Oakhill Beagle Club – Waiting for Forest Restoration and Wildlife Management Plans – Mr. Tony Roberts, President of Oakhill Beagle Club was present along with his consultant Ms. Christin McDonough, Certified Wildlife Biologist from SWCA Environmental Consultants. She was present on behalf of the Oakhill Beagle Club. She conducted a Wildlife Habitation Evaluation and prepared a Wildlife Habitat Management Plan at the request of the commission. Ms. McDonough stated she went to the beagle club on June 14, 2017 and conducted a habitat evaluation. The report outlines the existing habitat conditions, the proposed long term habitat management goals and recommendations for any changes. The last section addresses the Conservation Commissions letter stating their concerns and her understanding on how to respond to those concerns. Ms. McDonough went on to clarify the existing conditions are that the site is approximately 90 acres. There are two potential vernal pools identified by

National Heritage. There is a large forested wetland area in the center. There is upland forest and a right of way through the property which she believes is managed by the electrical company. She also outlined the areas that are being managed by the beagle club. She feels that in her professional opinion the habitat is fantastic. The report outlines in section 3 the Habitat Management Plan. The Oakhill Beagle Club is already following this management plan. The last section talks about recommendations. Ms. McDonough recommends they stay outside of wetland buffer zones, consider use of disking, encourage areas of grassy herbaceous cover as part of the mosaic, manage invasive species and replace with native plants and follow BMP's with removal of shrubs. She also recommended they consider habitat management cutting restrictions to stay outside of the nesting season and also stagger the habitat management every 3 to 5 years to ensure different levels of habitat management. Mr. Materne stated the Rehoboth Land Trust had not had an opportunity to review the report and the commission has not either. He skimmed the report and noted it's a great report if there wasn't a Conservation Restriction. Mr. Materne stated the problem is the Conservation Restriction was not followed. The beagle club was supposed to come before the commission with documentation regarding permission to cut etc.... He read the Forest Cutting Plan and doubts if the Rehoboth Land Trust or the Conservation Commission would have ever allowed 60,000s.f. of lumber to be cut and 300 cords taken off when it specifically said the cutting plan managed it. The Conservation Commission never received a Forest Cutting Plan. Mr. Materne went on to state that it needs to be reviewed by the Rehoboth Land Trust and the commission. It needs to be agreed upon to go forward. They all have to agree what the long term program should be. He also added he specifically asked Mr. Roberts for a Forest Restoration Plan along with the management plan. He did not see that report. The Rehoboth Land Trust and the Conservation Commission hold the Conservation Restriction. They were never asked if the beagle club could cut as they did. They received nothing. He added that she may have written a fine Wildlife Management Plan but it may not be fine for the Conservation Restriction and the goals of what they expected as holders of the Conservation Restriction. Ms. McDonough asked to address the issues. She wants the plan to be what they expect it to be. After reading the Conservation Restriction it appears the beagle club wanted to have a Conservation Restriction with the purpose of continuing as a beagle club which includes managing the habitat. She understands the purpose of the Rehoboth Land Trust to be the promotion of tree growth. Mr. Materne corrected her by stating their purpose is to manage open space. The president of the Rehoboth Land Trust, Adam Latham, came forward to explain the land trust has many different goals, from historic preservation to agriculture landscape and wildlife. He noted that the management plan is good for a rabbit habitat, but there is a big hole from what they requested from the beagle club. They want to know how they will restore what is damaged back to the way it was, and what went beyond the base line documentation report. Mr. Materne added the base line documentation report was never followed. Mr. Materne stated that part of the Conservation Restriction was that the beagle club was allowed to put up a fence to prevent predators from getting to the rabbits and keep the rabbits in the habitat. They clear cut 50' swaths through wetlands. They were told to stop. They then cleared all the management area. They were told not to do so without speaking to the commission, but they did it anyway. No permission was ever given. A forest cutting plan was written that he would have never have approved when it said maintenance cutting. The bottom line is the Rehoboth Land Trust and the Conservation Commission own the Conservation Restriction. It needs to be followed as it was written when it was signed and monies were transferred. The Rehoboth Land Trust and the Conservation Commission need to decide how they want this land to look. They need to decide what the scope of the management plan should be and how much to clear and how much to revegetate. Mr. Materne went on to state the commission asked the beagle club for a detailed delineation plan from day one. They still do not have it. Mr. Latham added that from the restoration aspect he wants to see a plan that goes back to the base line and addresses what the base line was, and what it is the beagle club wants to do from that point forward. Mr. Materne also added that along with the habitat plan he expected to see a Forest Restoration Plan. A joint meeting with the Rehoboth Land Trust and the Conservation Commission will take place.

Mr. Latham will make sure there is a quorum and will get back to Mr. Materne with a date and time. They hope to have a meeting on August 15, 2017. Mr. Latham will contact Mr. Materne to confirm. There was no further discussion.

4. 367 Anawan Street – Lilli Mae – possible cutting within BVW – Mr. Materne met with Mr. Brian Viera and he was unaware he was supposed to have a surveyor re-flag the wetland line even though the commission sent him two letters making it very clear what had to be done. Mr. Materne informed him the wetlands had to be re-flagged by the second meeting in August. Mr. Materne confirmed to Ms. Bradley that he wants the re-flagging done by the site visit on August 13, 2017 and Mr. Viera needs to be present at the Conservation Commission meeting on August 15, 2017. There was no further discussion.

## **PUBLIC HEARINGS & MEETINGS**

1. 41 Colonial Way – David Duarte – ANRAD – SE60-1074 – Ms. Bradley stated the applicant has asked for a continuance. Mr. Materne stated the commission did not make a site visit. They did not know what they were supposed to look at. Ms. Bradley stated nothing got done. She was told that the commission had asked for additional flags since they didn't go to the property line. Mr. Nicholson stated the issue was the field didn't look like the plans. Ms. Bradley stated there were issues with the abutters. She suggested having the surveyor re-stake the property line. The botanist realizes she needs to hang more flags. This matter will be continued to the next meeting on August 1, 2017.

2. 415 Fairview Avenue – Price – NOI – SE60- (ANRAD) to be discussed – Ms. Rachel Smith from Otis Dyer's office was present on behalf of the applicant. Mr. Materne began by stating the commission has verified the flag line and it is fine. One concern is the driveway that goes up to flag A9. Ms. Smith stated that is so the owner can get around the house to access the back. She revised the plan to show the limit of work and where the lawn will be. The section near the house will be cut down close to the wattles for grading. Large rocks are present and will be used to stabilize the slope. Ms. Smith noted there is a lot of water that runs down where is says "paved gutter". The highway department has paved that side of the road because of the water. She feels they may need some kind of culvert where the driveway is coming in. She has been in contact with the Highway Superintendent and he is undecided as to how to address this issue. She is hoping that she can leave it as is or add a notation that this will be coordinated with the Highway Department since it is actually his jurisdiction. The well is on the edge of the 100' buffer. The commission had no other concerns.

Mr. Nicholson motioned to close the public hearing.

Mr. Choquette seconded the motion. Motion passed.

Mr. Nicholson motioned to issue the Order of Conditions.

Mr. Choquette seconded the motion. Motion passed.

3. 27 Winter Street – Sarrazin – RDA – Mr. Dean Monsees from OSD Systems was present on behalf of the applicant. He is proposing an upgrade to his septic system that will be raised with a pump chamber and a 2 bedroom addition. He added this was submitted to the Board of Health back in December of 2016. The commission came back with a letter asking for an RDA. The area was flagged by National Resource Services. Ms. Bradley looked at the area and the plan shows there may be some clearing in the BVW and a bridge and a chicken coop. That area does hold some water and she looks at old photos from the 80's and 90's and noted it has always been that way. She stated the wetland line is fine. Mr. Nicholson motioned to issue a Negative #3 Determination of Applicability. Mr. Prachanronarong seconded the motion. Motion passed.

## **GENERAL BUSINESS**

1. Request for COC/Lift Enforcement Order – Troy Sequeira – 168 Reynolds Avenue – SE60-1005 – Ms.

Bradley stated it is all set. The applicant has moved the dog pen.

Mr. Nicholson motioned to lift the Enforcement Order.

Mr. Choquette seconded the motion. Motion passed.

Mr. Nicholson motioned to issue the Certificate of Compliance.

Mr. Choquette seconded the motion. Motion passed.

2. Request for COC – Wayne Proulx – 5 Dean St. – SE60-797 – Mr. Materne began by stating the commission went to the property with the as-built plan and observed where the house and barn has been moved. The wetland restoration area by the barn looks excellent. They went into the large replication area and noted there is no vegetation at all. Mr. Choquette stated it is a tricky area and noted the area is not shaded or getting any water at all since the elevation is higher and not getting the water it needs to support a wetland area. Mr. Nicholson stated the restoration area is long, narrow and flat. Mr. Choquette added there are no species there to support the wetland area. He questioned if the area is monitored by DEP. Mr. Proulx was present and added he had an excellent excavator and he understands what the commission is saying. Mr. Proulx stated the small area with the abundant vegetation has the same elevation as the other side that has no vegetation. He added a possibility is when they dug out the driveway and stockpiled the material, that material was used to bed down the replication area. The large area may have gotten a little more of that material than the smaller side. Mr. Materne feels a replication area needs to be in there. The commission feels everything else looks good on the as built plan except for the large replication area. He thinks they should take the berm down. Mr. Proulx needs 75% success in the replication area or he won't have a replication area, or be issued a Certificate of Compliance. Mr. Materne asked Mr. Proulx if the difference in both areas did not raise red flags for him since one area was thriving and the other was not. He stated he planted wetland plants in the large area. Mr. Materne feels he needs to do something to make it work. Mr. Nicholson suggests Mr. Proulx hire an engineer to go out there and make recommendations. Mr. Proulx stated he had an engineer who showed this on a plan. Mr. Materne stated again the area needs to be 75% successful. Mr. Proulx asked what he needs to do to make the area successful. Mr. Materne gave some suggestions of how to determine where the water is in the soil. Mr. Nicholson stated this is considered continued work on a replication area. Mr. Materne stated he should get rid of the berm between the replication area and the wetland. Mr. Choquette showed Mr. Proulx this information on the plan. Mr. Proulx stated he will get his engineer back in there. Mr. Materne added it is the Conservation Commissions legal obligation to make sure everything works and it's his obligation as the applicant to get it done. There was no further discussion.

3. Ledgard – 20 Danforth St. – Review submitted information – Overcoming the Presumption of a Perennial Stream – Mr. Materne stated the commission went to the property and reviewed the evidence. Ms. Bradley stated the owner still needs to submit an ANRAD. They cannot make a presumption without a filing. She let the owner know they can submit the evidence to the commission but they will still need to file an ANRAD. Ms. Bradley will send another letter explaining the process. Mr. Materne asked if there is a deadline. Ms. Bradley stated she must submit a filing within 12 months of submitting the evidence.

4. Dumontier – 47 Spring Street – ROFR – Chapter 61 – Ms. Bradley stated the first time Mr. Dumontier submitted a letter it was for a small portion of land. Now it's for the entire property. Mr. Materne is confused as the letter submitted does not give lot number. The letter included a written court of deeds. Mr. Materne stated Mr. Dumontier needs to re-submit a letter explaining exactly what lot he is referring to including the AP and Lot number. Mr. Bradley will send a letter to Mr. Dumontier. This matter will be tabled until more information is received.

## MINUTES

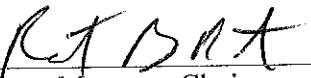
1. April 18, 2017
  2. May 2, 2017
- To be approved at next meeting.

## INVOICES

## ADJOURNMENT

Mr. Nicholson motioned to adjourn the meeting at 8:15p.m.  
Mr. Choquette seconded the motion. Motion passed.

For the Conservation Commission

  
Robert Materne, Chairman

  
David Evans, Vice-Chairman